

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KULDEEP KUMAR,

Plaintiff,

V.

EMILIA BARDINI, et al.,

Defendants.

Case No. 1:23-cv-01658-NODJ-SAB

**ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE TO CLOSE
CASE AND ADJUST THE DOCKET TO
REFLECT VOLUNTARY DISMISSAL
PURSUANT TO RULE 41(a) OF THE
FEDERAL RULES OF CIVIL PROCEDURE**

(ECF No. 8)

On February 16, 2024, Plaintiff filed a notice of voluntary dismissal of the entire action without prejudice. (ECF No. 9.) Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, “a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)).

In light of the notice of dismissal, this action has been terminated, Fed. R. Civ. P. 41(a)(1)(A)(i); Wilson v. City of San Jose, 111 F.3d at 692, and has been dismissed without prejudice.

111

111

1 Accordingly, the Clerk of the Court is HEREBY ORDERED to CLOSE the file in this
2 case and adjust the docket to reflect voluntary dismissal of this action pursuant to Rule 41(a).

3 IT IS SO ORDERED.

4 Dated: February 20, 2024



UNITED STATES MAGISTRATE JUDGE

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28